S.B. CR.MISC.BAIL APPLICATION NO.2460/2007.

Bhairu
Vs.
State

Date of order : 19/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sanjay Kr.Sharma for the petitioner.
Smt. Nirmala Sharma P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and considered the materials placed on record.

Learned counsel for the petitioner argued that the allegations against the petitioner are similar to those which were against co-accused Mangilal from whose house psychotropic substances such as 1200 kgs. of Opium and 20 gms. of Smack were recovered which are less than the commercial quantity. He argued that in the report of F.S.L. even the Smack has tested negative. Co-accused Mangilal has already been enlarged on bail and the petitioner is behind the bars for last more than three months.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of this case but taking into consideration the facts and circumstances of the
case, the nature of allegation and evidence against the

three months and the similarly situated co-accused has already been released on bail, I deem it appropriate to enlarge the petitioner on bail during the pendency of trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Bhairu S/o Mannalal shall be released on bail in F.I.R. No.111/2005 P.S. Jawar, District Jhalawar subject to his furnishing a personal bond in the sum of Rs.50,000/- together with two sureties in the sum of Rs.25,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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